

ORANGE COUNTY SUBDIVISION CODE*

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SUBARTICLE 1. GENERAL PROVISIONS

Sec. 7-9-200. Title.

This article may be cited as the Orange County Subdivision Code.

Sec. 7-9-201. Purposes.

- a. The purpose of this article is to provide regulations and control of the design and improvement of subdivisions in the unincorporated portion of Orange County, in accordance with the Subdivision Map Act.
- b. Other purposes of this article are:
 - (1) To implement the Orange County General Plan;
 - (2) To provide regulations and controls, within the law, over the use of land in the unincorporated portion of Orange County for the health, safety and welfare of present and future residents of Orange County; and
 - (3) To provide a procedure for lot line adjustments in the unincorporated portion of Orange County.

Sec. 7-9-202. Prohibitions.

- a. No person shall offer to sell or lease, contract to sell or lease, sell or lease, finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final tract map is required by this article, until such map thereof, in full compliance with the provisions of this article and the Subdivision Map Act, has been filed for record by the County Recorder.
- b. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this article until such map thereof, in full compliance with the provisions of this article, and the Subdivision Map Act has been filed for record by the County Recorder.
- c. No permit to develop any real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or this article shall be granted by any officer or employee of the County of Orange or by the Planning Commission or the Board of Supervisors unless a certificate of compliance has been issued and recorded for the property to be developed in accordance with Subarticle 15 of this article.

Sec. 7-9-203. Director.

Any reference to "the Director" in this article shall be to the Director of the Orange County Planning & Development Services Department. The Director shall be responsible for enforcing the provisions of this article.

Sec. 7-9-204. Subdivision Manual.

The Director shall formulate such rules, procedures, and interpretations as may be necessary or convenient to administer this article. Such rules, procedures and interpretations shall be referred to as the "Orange County Subdivision Manual" or the "Subdivision Manual." Copies of the Subdivision Manual shall be made available to the public at a cost sufficient to pay for printing.

Sec. 7-9-205. Subdivision Committee.

- a. There is hereby established a Subdivision Committee, hereinafter referred to as "Committee". Said Committee shall consist of the following members or their duly authorized representatives:

- (1) Director, Planning & Development Services Department;
- (2) Director of Fire Services, Orange County Fire Authority;
- (3) Additional members not exceeding four (4) appointed by the Director, to represent the Planning & Development Services Department and other County departments as appropriate.

The Director shall designate a chairman and vice-chairman of the Committee.

- b. The Orange County Subdivision Committee is hereby designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or disapprove tentative tract maps and tentative parcel maps.
- c. The Subdivision Committee shall review and make recommendations to the Board of Supervisors on petitions for reversions to acreage.
- d. The Subdivision Committee shall perform such other duties as may be specified by the Director or the Board of Supervisors.

Sec. 7-9-206. Reserved

Sec. 7-9-207. Processing and Filing Fees.

Fees to cover the costs incurred by the County in processing maps, plans and requests filed pursuant to the provisions of the Subdivision Map Act and this article shall be paid to the County of Orange in compliance with the fee resolutions adopted by the Board of Supervisors.

Sec. 7-9-208 and 7-9-209. Reserved.

SUBARTICLE 2. DEFINITIONS

Sec. 7-9-210. Map Act Prevails.

The definitions in the Subdivision Map Act shall govern the meaning of words in this article, except as follows:

Terms used in this article:

Final tract map
Tract map
Final parcel map
Tentative tract map
Tentative parcel map

Equivalent terms in Subdivision Map Act:

Final map
Final map
Parcel map
Tentative map
Tentative map

Sec. 7-9-211. Zoning Code, Grading Code. Map Act Definitions Apply

Unless otherwise defined in this article, words and phrases used in this article shall be deemed to have the same meaning applied to them in the Orange County Zoning Code, Orange County Grading and Excavation Code and the Subdivision Map Act.

Sec. 7-9-212. Subdivision Code Definitions.

Advisory Agency: See Section 7-9-205 of this article.

Appeal Board: See Section 7-9-259 of this article.

Board: Refers to the Orange County Board of Supervisors, which is the governing body of the County of Orange.

Easement: A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over said land.

Grading Code: Refers to the Grading and Excavation Code of the County of Orange.

Inundation: Ponded water or water in motion of sufficient depth to damage property due to the mere presence of water or to deposition of silt.

Master Plan of Drainage: An engineering report adopted by the Board of Supervisors, pursuant to Government Code Section 66683, which outlines the local drainage facilities (but not including necessary on-site or regional facilities), needed for proper development of a specific area of the County of Orange.

Right-of-Way: A specifically defined area or strip of land, either public or private, on which an irrevocable right of passage or use has been recorded.

Vehicular Access Rights: Refers to the right of persons to gain entry or exit with a vehicle to or from a street or driveway to or from abutting land.

Sec. 7-9-213 -- Sec. 7-9-230. Reserved

SUBARTICLE 3. TYPES OF MAPS PERMITTED

Sec. 7-9-231. Tentative Tract Maps.

A tentative tract map is a preliminary map that is used whenever a parcel or a number of contiguous parcels of land is proposed to be subdivided for the purpose of creating five (5) or more lots, five (5) or more condominium units, the conversion of five (5) or more existing dwelling units to a stock cooperative, or a community apartment project containing five (5) or more apartment units, except as otherwise specified by Section 7-9-232 or Section 7-9-235.

Sec. 7-9-232. Tentative Parcel Maps.

A tentative parcel map is a preliminary map that is used whenever a parcel or contiguous parcels of land is proposed to be subdivided for the purpose of creating less than five (5) lots, less than five (5) condominium units, or a community apartment project containing less than five (5) apartment units, or where:

- a. The land before division contains less than five (5) acres, each parcel proposed to be created by the subdivision will abut upon a maintained public street or highway, and all dedications and improvements required by County standards will have been previously complied with, or
- b. Each parcel proposed to be created by the subdivision will have a gross area of twenty (20) acres or more and a right of vehicular access for a continuous width of not less than twenty (20) feet to a maintained public street or highway; or
- c. The parcel of land proposed to be subdivided is within a tract of land zoned for commercial or industrial uses and abuts streets or highways which have been approved by the County as to alignment and width and to which it has a right of vehicular access for a minimum continuous width of not less than twenty-eight (28) feet; or
- d. Each parcel proposed to be created by the subdivision will have a gross area of not less than forty (40) acres or not less than a quarter of a quarter section.
- e. Until January 1, 2003, the land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2.

Sec. 7-9-233. Final Tract Maps.

A subdivision may be created by the recordation of a final tract map that is in substantial conformance with all or a portion of the approved tentative tract map. It shall be filed in compliance with the provisions of this article, the Subdivision Map Act and the Subdivision Manual.

Sec. 7-9-234. Final Parcel Maps.

- a. A subdivision may be created by the recordation of a final parcel map that is in substantial conformance with an approved tentative parcel map or with a portion of an approved tentative parcel map which complies with the provisions of Section 7-9-232(c). A final parcel map may also be recorded on portions of a tentative tract map when such portions comply with the specifications of Section 7-9-232(b), (c) or (d). It shall be filed in compliance with the provisions of this article, the Subdivision Map Act and the Subdivision Manual.

- b. A parcel map shall be based upon a field survey except that a parcel map may be compiled from record data when the County Surveyor determines that the subdivision does not require a field survey provided the map complies with the provisions of the Subdivision Map Act.

Sec. 7-9-235. Exceptions

Certain types of land divisions and transactions may be completed without complying with the entire tentative and final tract or parcel map procedure, as specified.

- a. A request for determination as to the status of any parcel of land created as a result of a lease or conveyance specified by subsections (1) through (9) may be submitted in compliance with the certificate of compliance procedure as stated in Subarticle 15 of this article. Neither a tentative or final tract or parcel map is necessary for the following:
 - (1) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
 - (2) Mineral, oil or gas leases;
 - (3) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
 - (4) Leases of agricultural land for agricultural purposes;
 - (5) Short-term leases (terminable by either party on not more than thirty (30) days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code;
 - (6) Subdivisions in which every parcel has a gross area of sixty (60) acres or more;
 - (7) Lot line adjustments;
 - (8) Conveyances of land for rights-of-way to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such a public utility; however, in any of these instances a tentative and final tract or parcel map may be required if the Director determines that a map is necessary for purposes of public health and safety or for the general welfare;
 - (9) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
- b. A final parcel map is not required when waived pursuant to the provisions of Subarticle 13 of this article.
- c. A request for certificate of compliance may require a tentative map, as specified by the Director.

Sec. 7-9-236. Vesting Tentative Maps.

A vesting tentative map is a map which confers a vested right to proceed with development for a specified time after recordation.

- a. A vesting tentative map is at the option of the subdivider and shall not be a prerequisite to any proposed subdivision or application for development.
- b. A vesting tentative map shall be identified on the submittal as a "Vesting Tentative Map."
- c. A vesting tentative map is limited to development of the property per the applicable regulations in existence at the time of approval of the vesting tentative map or per "d" below.
- d. Whenever a subdivider files a vesting tentative map whose intended development is inconsistent with the zoning ordinance in effect at that time, the inconsistency shall be noted on the vesting tentative map, and the vesting tentative map shall be processed subject to the provisions of Subdivision Code Section 7-9-254 (Zoning Conformance).
- e. A vesting tentative map shall be processed in the same manner as a tentative map. However, previously approved tentative maps which were not approved as vesting tentative maps may be so approved only if refiled and processed in compliance with all requirements herein.
- f. The provisions of Subdivision Code Section 7-9-258 (Period of Validity; Extensions) shall apply to an approved or conditionally approved vesting tentative map.
- g. The vested right for a recorded subdivision map shall be for a period of one year beyond the recording date of the final map or parcel map, and shall confer on such maps all rights described in Government Code Sections 66498.1 through 66498.8. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year time period shall begin when the final map or parcel map for that phase is recorded. Prior to the expiration of the initial one-year period, the developer may apply for a one-year extension of the period of the vested right to the Planning Commission.
- h. The provisions of Subdivision Code Section 7-9-257 (Modification of Maps and Conditions of Approval) shall apply to an approved or conditionally approved vesting tentative map.
- i. Fees for the filing and processing of vesting tentative maps shall be the same as the fees established for the filing and processing of tentative maps. However, the Board of Supervisors may establish by resolution an additional fee to cover additional costs incurred by the processing of vesting tentative maps including extension of time.
- j. Fees for development permits (e.g., building and grading permits) filed per an approved vesting tentative map or a recorded vesting final/parcel map shall be the fees in effect at the time of issuance of such permit.

SUBARTICLE 4. REQUIREMENTS FOR FILING TENTATIVE MAPS

Sec. 7-9-237. Types of Maps Covered.

This subarticle pertains to tentative parcel maps and tentative tract maps.

Sec. 7-9-238. Form and Contents.

Tentative maps shall conform with such requirements as to form and contents as may be specified by the Director in the Subdivision Manual.

Sec. 7-9-239. Who May File.

Any property owner who proposes to subdivide his property may file a tentative map. Any person who proposes to subdivide property that is legally owned by another person may file a tentative map for such property with the written consent of the legal owner of record.

Sec. 7-9-240. Certification of Ownership and Irrevocable Offers of Dedication.

- a. Each tentative map shall be signed by the property owner or owners of record, and shall be accompanied by evidence of the real property proposed for subdivision.
- b. When any portion of a tentative map includes property that is owned by a public agency, the certification of ownership need not include the signatures for such ownerships, provided such portions are clearly identified on the map.
- c. When any portion of a tentative map includes property on which an irrevocable offer of dedication has been made to a public agency, such portion shall be clearly identified on the tentative map.
- d. Any agency to which an irrevocable offer of dedication has been made shall sign the final tract/parcel map which includes the area over which the irrevocable offer has been made.

Sec. 7-9-241. Title Report.

Tentative maps shall be accompanied by a preliminary title report which discloses all possessory interests and interests of record in the land being subdivided when determined to be necessary by the Director.

Sec. 7-9-242. Environmental Documents.

Tentative maps shall be accompanied by appropriate environmental documents in accordance with the California Environmental Quality Act.

Sec. 7-9-243. Soils Report.

- a. Unless the requirement is waived by the Director pursuant to subsection (b) or deferred pursuant to subsection (c), tentative maps shall be accompanied by a preliminary soil report based upon adequate test borings and prepared by a registered civil engineer. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if

not corrected, would lead to structural defects, a soils report on each proposed lot in the subdivision containing any such soils problem shall accompany the tentative map. Such reports shall include recommended corrective action which is likely to prevent structural damage.

- b. The Director may waive the preliminary soils report required by subsection (a) for tentative tract maps where he determines that it is unnecessary because the County already has sufficient information as to the qualities of the soils in the proposed subdivision and for tentative parcel maps.
- c. The Director may defer the requirement for a preliminary soils report until the submission of a final tract or parcel map.

Sec. 7-9-244. Additional Information.

- a. Tentative maps shall be accompanied by such additional information as may be specified by the Director. The Director shall have the authority to include among such requirements geologic, seismic and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans, including building setback lines; evidence from the proposed sewerage agency and water supplier with respect to their capacity of serving the proposed subdivision; fire protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions.
- b. The Director may require differing amounts of supplementary information, depending upon the type of map involved, the scope of the proposed subdivision, and the anticipated environmental impacts of the subdivision.
- c. The Director may require the submission of additional information after the filing of tentative maps as necessary.

Sec. 7-9-245. Filing.

Tentative maps shall be filed with the Director, who shall accept such maps only when he determines that the requirements for filing a tentative map established by this article and the Subdivision Map Act have been satisfied. The date a tentative map is filed shall be the date it is accepted by the Director. Each tract or parcel map shall be identified by a number prominently displayed on the face of the map issued by the County surveyor.

SUBARTICLE 5. PROCESSING PROCEDURES FOR TENTATIVE MAPS

Sec. 7-9-246. Types of Maps Covered.

This subarticle pertains to processing procedures for tentative tract maps and tentative parcel maps after they have been filed.

Sec. 7-9-247. Reserved.

Sec. 7-9-248. Copies to Concerned Agencies.

- a. Where a local agency has filed a territorial map with the Director pursuant to the Subdivision Map Act, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to said local agency within three (3) days of the date the tentative map is filed.
- b. When the State Department of Transportation has filed with the Board of Supervisors a map of territory within one mile on either or both sides of any state highway routing pursuant to the Government Code, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the district office of the Department of Transportation within three (3) days of the date the tentative map is filed.
- c. Within three (3) days of the date a tentative map is filed, the Director shall give notice of the filing to the governing boards of the school district or districts within which the proposed subdivision is located pursuant to the Government Code.

Sec. 7-9-249. Time for Action.

The Subdivision Committee shall act upon a tentative map within the time specified in the Subdivision Map Act unless:

- a. An extension of time for action is mutually consented to by the subdivider and the Subdivision Committee, in which case the map shall be acted upon within the time agreed upon or
- b. The subdivider withdraws the map.

Sec. 7-9-250. Reports and Recommendations.

Reports and recommendations on tentative maps shall be in writing and shall be served on the subdivider at least three (3) days prior to the date action on the map is scheduled, providing that a subdivider:

- a. May waive this requirement; and
- b. May consent to the receipt by the Subdivision Committee of additional recommendations;

and provided further that a subdivider shall be deemed to have so consented unless the subdivider specifically objects to the form and timeliness of such additional recommendations prior to the time the Subdivision Committee takes action on the tentative maps.

Sec. 7-9-251. Review of Tentative Maps.

Each tentative map shall be reviewed by the Subdivision Committee, which shall approve, conditionally approve, or disapprove it.

Sec. 7-9-252. Substitution of Revised Maps.

A revised tentative map shall may be submitted at any time prior to action on the map by the Subdivision Committee. The time for action on a tentative map specified in Section 7-9-249 shall recommence upon the acceptance by the Director of a revised tentative map.

Sec. 7-9-253. Meetings and Hearings.

- a. The Subdivision Committee shall act on tentative maps at regularly scheduled meetings when the matter has been duly placed upon the Committee's agenda. Public hearings shall not be required for the consideration of tentative maps, provided that the Director may set any map for public hearing before the Subdivision Committee when it has been determined that it would be in the public interest to do so. Whether or not a map is considered at a public hearing, the Subdivision Committee shall conduct its meetings in the same manner as public hearings, and all interested persons shall be given an opportunity to address the Subdivision Committee on any matter pertaining to a proposed subdivision.
- b. Where approval of a tentative map will constitute a substantial or significant deprivation of the property rights of other landowners, notice shall be given to all persons shown in the latest equalized assessment roll as owning property within three hundred (300) feet of the property proposed to be subdivided by at least one of the following methods:
 - (1) Direct mailing to the owners
 - (2) Posting of notice on and off the site in the area where the project is to be located.
 - (3) Delivery of notice by any means other than mail to the owners.
 - (4) Any other methods reasonably determined to provide actual notice.

Sec. 7-9-254. Zoning Conformance.

- a. The Subdivision Committee shall not approve or conditionally approve a tentative map which does not conform with applicable zoning except as provided in subsection (b) below
- b. A tentative map may be approved when it conforms with zoning which has been recommended for adoption by the Planning Commission on the condition that the zoning must become effective prior to recordation of the final tract or parcel map.
- c. A tentative map shall not be approved if it is apparent that any proposed parcel cannot be developed to its intended use without the modification of site development standards.

Sec. 7-9-255. Findings Required.

A tentative parcel map or tentative tract map shall be approved or conditionally approved only if the Subdivision Committee makes the following findings:

- a. That the proposed map is consistent with the Orange County General Plan;
- b. That the design and improvement of the proposed subdivision is consistent with the Orange County General Plan;
- c. That the site is physically suitable for the proposed type of development.
- d. That the requirements of the California Environmental Quality Act have been satisfied;
- e. That the site is physically suitable for the proposed density of development;
- f. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
- g. That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems;
- h. That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public; and
- i. That the design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations pursuant to Section 7-9-254.

Sec. 7-9-256. Additional Findings Required.

- a. The Subdivision Committee shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system, where such a system exists, would result in or add to a violation of existing requirements prescribed by either the Santa Ana or San Diego Regional Water Quality Control Boards. In the event it is determined that the proposed waste discharge would result in or add to such a violation, the Subdivision Committee shall disapprove the tentative map unless there are extenuating or overriding considerations, in which case these shall be stated.
- b. In the event a subdivision fronting upon the coastline or shoreline or upon a public waterway, river or stream or upon a lake or reservoir owned in part or entirely by a public agency does not provide public access to such public resources through the subdivision itself in accordance with the requirements of Sections 7-9-206, 7-9-287 and 7-9-288, the Subdivision Committee shall find that reasonable public access to the resource in question is otherwise available within a reasonable distance from the subdivision. If this finding cannot be made, the map shall be disapproved.

- c. If the Subdivision Committee approves or conditionally approves a tentative map which deviates from any standard of design as allowed by Section 7-9-291, the Committee shall make a finding or findings that each such deviation has been individually considered and found to be justified based upon specific special circumstances which apply.

Sec. 7-9-257. Modification of Maps and Conditions of Approval.

Upon the request of the subdivider, approved tentative maps may be modified and conditions of approval may be modified or deleted by the Subdivision Committee. In all cases, the Director shall attempt to notify any third parties who have previously indicated an interest in the matter of the Subdivision Committee's scheduled consideration of the modification. Modifications shall be considered by the Subdivision Committee in the manner, and in accordance with the notice requirements, where applicable, set forth in Section 7-9-253(b).

Sec. 7-9-258. Period of Validity; Extension.

- a. An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval, unless prior to the expiration date a subdivider requests an extension of time to record said map.
- b. The Subdivision Committee may grant an extension of time for the map to be recorded for a period or periods not exceeding a total of five (5) years beyond the original date of expiration.
- c. An extension may be granted only where it will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

Sec. 7-9-259. Appeal of Tentative Map to Planning Commission.

- a. Any interested person may appeal to the Planning Commission from any action of the Subdivision Committee by filing an appeal with the Director within fifteen (15) days of the action.
- b. The appeal shall identify the action being appealed, specify why the appellant is dissatisfied with the action, and suggest alternative action.
- c. The Director shall bring the matter before the Planning Commission for hearing within thirty (30) days after the date of filing the appeal. The subdivider and the appellant, if other than the subdivider, shall be given at least ten (10) days notice of the Planning Commission's hearing. Where applicable, notice shall be given in the manner set forth in Section 7-9-253(b).
- d. The Planning Commission may affirm, reverse or modify any recommendations or rulings of the Subdivision Committee and may make such findings as it deems appropriate. If only one or a limited number of conditions are being appealed, the Planning Commission need not limit its review to those specific conditions but may review the whole action taken by the Subdivision Committee.
- e. An appeal, once filed, may be withdrawn by the appellant.

- f. If requested by the subdivider and if the Director determines that the public interest would be better served, an appeal of the Subdivision Committee action may be forwarded directly to the Board of Supervisors for action.

Sec. 7-9-260. Appeal to Board of Supervisors.

- a. Any interested person may appeal to the Board of Supervisors from any action of the Planning Commission by filing an appeal with the Director within fifteen (15) days of the action.
- b. The appeal shall identify the action being appealed, specify why the appellant is dissatisfied with the action, and recommend an alternative action.
- c. The Clerk of the Board of Supervisors shall set the matter for hearing before the Board of Supervisors within thirty (30) days of the date of filing the appeal. The Director, the subdivider and the appellant, if other than the subdivider, shall be given at least ten (10) days notice of the Board's hearing.
- d. The Board of Supervisors may affirm, reverse or modify any recommendations or rulings of the Planning Commission and may make such findings as it deems appropriate. If only one or a limited number of conditions are being appealed, the Board need not limit its review to those specific conditions, but may review the whole action taken by the Planning Commission.
- e. An appeal, once filed, may be withdrawn by the appellant.

Secs. 7-9-261, 7-9-262. Reserved.

SUBARTICLE 6. STANDARDS OF DESIGN

Sec. 7-9-263. Conformance with Standards of Design

Subdivisions shall be designed in conformance with the following standards of design. Deviations from these standards may be requested pursuant to Section 7-9-291.

Sec. 7-9-264. Reserved

Sec. 7-9-265. Reserved.

Sec. 7-9-265.1. Compliance with Grading Code.

No tentative tract map or parcel map shall be approved for property on which a violation of the provisions of the Grading and Excavation Code exist, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated to the satisfaction of the Building Official prior to recordation.

Sec. 7-9-266. Boundary Lines.

- a. Tentative map boundaries shall be drawn so as to include all of the area of all abutting parcels which are owned by the same property owner and proposed for boundary alteration. However, when any land is proposed to be divided in such a way that the subdivision will include a portion of such land, any portion with a contiguous gross area of five (5) acres or more which is not proposed to be included within the subdivision may be identified by reference on the tentative map.
- b. A portion of a tentative parcel map may be designed as a remainder for the purpose of an exception to the survey requirements, in compliance with the following provisions:
 - (1) Any remainder shall have a gross area of five (5) acres or more.
 - (2) Any remainder so designated shall not be considered to be a building site.
 - (3) Any remainder so designated shall not be improved with any building or structure that is subject to the requirements of the Uniform Building Code.
- c. Whenever a parcel of real property lies partially within a city and partially within an unincorporated area, any proposal to subdivide such real property shall be consistent with existing city boundaries. No lot or parcel, except proposed public or private street rights-of-way, shall be partially within a city and partially within an unincorporated area. Any portion of such real property lying within any city or any other county shall be included on the tentative map for the purpose of showing the remainder parcel, but any approving action on the tentative map by the County of Orange shall not be construed as approval of any design or improvements shown within the city or other county.
- d. Regardless of its size, no portion of any property shown on the latest equalized County assessment roll as a unit or contiguous units shall be excluded from within the boundaries of a subdivision for the purpose of avoiding dedication or improvement of any street, drainage or flood control facility.

Sec. 7-9-267. Lots/Parcels.

- a. Each lot or parcel being created by a subdivision shall be either numbered or lettered. If it is numbered, it must comply with the requirements of a building site as defined in the Zoning Code.
- b. Lettered lots or parcels may not be used as building sites and need not comply with the requirements of a building site.
- c. Lettered lots other than streets shall be labeled as to their intended use.
- d. A numbered lot which is platted so that it is in more than one zoning district shall comply with area and width requirements of the zoning district having the greater requirements.

Sec. 7-9-268. Arterial Highways.

If an existing or proposed arterial highway or transportation corridor as shown on the Master Plan of Arterial Highways (a component of the Circulation Element of the Orange County General Plan) is located so that any portion of such highway lies within or adjacent to a subdivision, the highway or corridor shall be shown on the map in a width and in an alignment corresponding to the Master Plan of Arterial Highways, and the highway or corridor shall be designed in accordance with the Standard Plans or applicable specific plan adopted by the Board of Supervisors and the Orange County Highway Design Manual.

Sec. 7-9-269. Private Streets.

Private streets shall be permitted, pursuant to conditions specified in the Subdivision Manual, only when the local agency finds that the occupants of the subdivision will be better served and the welfare of the general public will not be impaired thereby.

Sec. 7-9-270. Restricted Access to Highways.

Subdivisions shall be designed so as to limit vehicular access to highways shown on the Master Plan of Arterial Highways.

Sec. 7-9-271. Street Widths.

Subdivisions shall be designed in conformance with the Standard Plans adopted by the Board of Supervisors, except:

- a. Streets in residential districts requiring a building site area of fifteen thousand (15, 000) square feet or more and where no sidewalks are to be installed, shall have a right-of-way that will provide a parkway width of at least four (4) feet.
- b. Private streets serving four (4) or less parcels as access to a public street shall provide for a minimum pavement width of sixteen (16) feet within a minimum twenty-foot-wide right-of-way.

- c. Private streets serving five (5) parcels or more as access to a public street shall provide for a minimum pavement width of twenty-eight (28) feet within a minimum forty-foot-wide right-of-way.
- d. Streets in a subdivision which provides an approved alternate pedestrian circulation system shall have a right of way that will provide a minimum parkway width of at least four (4) feet.

Sec. 7-9-272. Reserved.

Sec. 7-9-273. Reserved.

Sec. 7-9-274. Curved Local Street and Highway Radii.

The centerline radii of curves on local streets or highways shall be not less than:

- a. One thousand five hundred and fifty (1, 550) feet on highways shown on the Master Plan of Arterial Highways as Major Arterial Highways;
- b. One thousand four hundred (1,400) feet on highways shown on the Master Plan of Arterial Highways as Primary or Secondary Arterial Highways;
- c. Five hundred fifty (550) feet on collector streets;
- d. Two hundred fifty (250) feet on local streets.

Sec. 7-9-275. Local Street Lengths.

Local streets shall not exceed one thousand (1,000) feet in length without a significant change in alignment.

Sec. 7-9-276. Local Street and Highway Corner Cutoffs and Corner Radii.

All local street and highway corner cutoffs and corner radii shall be designed in conformance with the Standard Plans as adopted by the Board of Supervisors.

Sec. 7-9-277. Sidewalks and Pedestrianways.

- a. Sidewalks shall be designed in accordance with the Standard Plans adopted by the Board of Supervisors and located as follows:
 - (1) along both sides of arterial highways.
 - (2) along all commercial and industrial frontage;
 - (3) along both sides of collector streets;
 - (4) along residential frontage where the required minimum building site area is less than fifteen thousand (15, 000) square feet and the lots have access to the street, except in those instances where an alternate pedestrian circulation system is proposed;

- (5) along all streets leading directly to a school, a designated school bus stop or a park;
 - (6) where the sidewalk will provide a continuation or link between other sidewalks.
- b. Additional pedestrian ways not abutting a street shall be provided when necessary for access to schools, recreation and other public areas. These pedestrian ways shall not be less than six (6) feet in width.

Sec. 7-9-278. Bicycle and Riding & Hiking Trails.

Where the County Bikeway Plan (for street bicycles) or the Master Plan of Regional Riding and Hiking Trails (for mountain bicycles, hikers, and equestrians) or any officially adopted specific or precise plan designates such trails as lying wholly or partially within any proposed subdivision, the necessary right-of-way for such trails shall be shown on the map in compliance with such adopted plans, and shall be designed in accordance with the Orange County Highway Design Manual and the Riding and Hiking Trails Design Manual.

Sec. 7-9-279. Street Lighting.

Street lighting shall be provided along, and at the intersections of all arterial highways and local streets in accordance with the illumination levels specified in the Standard Plans except as otherwise approved by the Director.

Sec. 7-9-280. Underground Utility Lines.

- a. Utility lines, including, but not limited to, electric, communications, street lighting and cable television, shall be required to be placed underground within any new, revised or reactivated residential subdivision. The subdivider is responsible for making the necessary arrangements with the utility companies for the installation of such facilities. For the purpose of this subsection, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal mounted terminal bases and meter cabinets, and concealed ducts in an underground system may be placed aboveground within the street right-of-way where sufficient right-of-way width exists so as not to pose a serious hazard to pedestrian traffic. If approved by the Director, utility lines, the main purpose of which is to provide service to customers outside of the original boundaries of the subdivision, and those utility lines which were in service in the area covered by the tentative tract or tentative parcel map prior to the filing of the tentative map may be placed aboveground.
- b. Required underground utility lines may be located in street or alley rights-of-way or along any lot line.
- c. Overhead utility lines shall be located at the rear of lots or parcels where practical. The poles supporting such overhead lines shall not be installed within any street, alleyway, drainage easement or flood control channel.
- d. Above ground installation of utilities shall be permitted on a temporary basis when such utilities are required during construction; provided, however, that such utilities shall be removed or placed underground prior to the final exoneration of street improvement bonds.

Sec. 7-9-281. Sewers.

All lots intended for development shall be connected to a sanitary sewer system unless the Director has determined that each lot is adequate to accept a private septic system.

Sec. 7-9-282. Drainage and Erosion Control.

- a. Tentative maps shall illustrate the existing and proposed manner in which water drains onto, across and off of the land being subdivided, including the facilities and easements necessary to accommodate the drainage.
- b. In the event a subdivider unnaturally concentrates or diverts surface water running onto adjacent land, the map shall illustrate the manner in which such water will be accepted and disposed of.
- c. If an existing or proposed flood control channel, as shown on an officially adopted flood control plan, is located so that any portion of it lies within (or adjacent to) a subdivision, the channel shall be illustrated on the map as a lettered lot in a width and in an alignment corresponding to the flood control plan.
- d. Where any lot is designed in such a manner that it will not drain with a minimum one (1) percent grade directly to a street or common drainage facility, it shall be designed in a manner that will conform to the following criteria:
 - (1) Lots shall be designed in such a manner that man-made slopes are not subject to sheet flow or concentrated runoff from either the same or an adjacent lot.
 - (2) All water flowing down man-made slopes, except that falling on each slope, shall be constrained within an approved drainage device.
 - (3) All water flowing from one lot to or across another lot shall be within an approved drainage device located within a properly executed easement, where appropriate.

Sec. 7-9-283. Man-Made Slopes.

- a. Man-made slopes shall be designed so that they can be conveniently maintained so as to minimize erosion, slope failure and unsightly conditions.
- b. This section does not apply to man-made slopes five (5) feet in height or less.
- c. All man-made slopes shall be shown on tentative maps and shall be classified, labeled and designed as follows:

Type "A": Those proposed to be maintained by a public agency or by a group, such as a homeowner's association, and which are located either adjacent to an arterial highway or within a park, greenbelt, or other public or common open space area.

Type "B": Those proposed to be maintained by a group, such as a homeowners' association, and which are located within or adjacent to individual owners and which are not within a park, greenbelt, or other public or common open space area.

Type "C": Those proposed to be maintained by individuals and which are located within individual lots in such a manner that they are inappropriate for maintenance by a group such as a homeowner's association.

- d. Man-made slopes shall be designed to resemble natural terrain where feasible, with a minimum of long, flat, inclined plane surfaces and acute angles.
- e. Man-made slopes shall be no steeper than allowed by the Grading and Excavation Code.
- f. The maximum height of man-made slopes steeper than five (5) feet horizontal to one (1) foot vertical shall be as follows:

Type "A" and Type "B": No maximum.

Type "C": Twenty (20) feet.

- g. Man-made slopes shall not be constructed one on top of another or combined in such a manner so that they exceed the maximum heights specified in (e) above. However, this limitation shall not apply to adjacent slopes on land abutting the subdivision, provided there is a visual and physical break of at least ten (10) usable feet, exclusive of drainage facilities, between the top of the lower slope and the toe of the upper slope.
- h. Lettered lots shall not include Type "C" slopes, unless such slopes will be directly visible from the probable building pad on the lot.
- i. Automatic irrigation systems shall be incorporated into the design of Type "A" and Type "B" slopes. An irrigation system connected to the water system serving the main use of the lot shall be incorporated into the design of Type "C" slopes.
- j. The design of man-made slopes shall include landscaping in accordance with the requirements of Section 7-9-285.

Sec. 7-9-284. Parks.

Local parks shall be shown on the tentative map as required by the Local Park Code and in a manner consistent with the General Plan.

Sec. 7-9-285. Landscaping and Screening.

The design of the areas listed below shall include appropriate landscaping for aesthetic, noise suppression, fire protection and/or erosion control purposes:

- a. Man-made slopes greater than five (5) feet in height;
- b. Common areas;
- c. Roadway medians and parkway areas;
- d. Lots containing existing significant trees or other plants proposed to be preserved;
- e. Fuel modification areas
- f. Other open space areas.

Sec. 7-9-286. Reserved.

Sec. 7-9-287. Rivers and Streams.

- a. Any proposed subdivision fronting upon a public waterway, river or stream shall be designed so as to provide reasonable public access by fee or easement from a public highway to and along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety.
- b. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.
- c. In determining what is reasonable public access, the following factors shall be considered:
 - (1) That the easement may be for a foot trail, bicycle trail or horse trail;
 - (2) The size of the subdivision;
 - (3) The type of riverbank and the various appropriate recreation, educational and scientific uses, including, but not limited to, swimming, boating, diving, fishing, water skiing, scientific collection and teaching.
 - (4) The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Sec. 7-9-288. Lakes and Reservoirs.

- a. Any proposed subdivision fronting upon any lake or reservoir which is owned in part or entirely by a public agency shall be designed so as to provide reasonable public access by fee or easement from a public highway to the water of the lake or reservoir upon which the subdivision borders, either within the subdivision or a reasonable distance from the subdivision.
- b. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.
- c. In determining what is reasonable public access, the following factors shall be considered:
 - (1) That access may be highway, foot trail, bike trail, horse trail, or any other means of travel;
 - (2) The size of the subdivision;
 - (3) The type of shoreline and the various appropriate recreational, educational and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific explorations and teaching;

- (4) The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Sec. 7-9-289. Fire Protection.

- a. Any subdivision proposed to be located in an area shown on the Safety Element to be a State designated high or extreme fire hazard area or an Orange County designated special fire protection area shall provide appropriate fire protection by means of firebreaks, fuel modification programs, access roads, sufficient water supply, landscaping and open spaces, and such other methods that the Fire Chief has determined will insure the public health, safety and welfare of the future occupants of the subdivision and the adjacent area.
- b. The design of any required fuel modification program shall include landscape architectural planning encompassing visual quality standards, watershed impact and erosion control, and wildlife impact and other design features described in the fire hazard reduction design criteria. Said program shall include provisions for landscape architectural construction observation, inspection and maintenance.
- c. The cost of the design and implementation of any fuel modification program shall be the responsibility of the subdivider.
- d. A method or procedure for assuring continued maintenance of any required fuel modification program shall be provided by the subdivider and approved by the Fire Chief and the Director.

Sec. 7-9-290. Dangerous Areas to be Removed or Controlled.

- a. Areas proposed to be subdivided which are known to be dangerous by reason of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, flood hazard, inundation or erosion by the ocean, or any other dangerous conditions, shall be approved for subdivision only when the Subdivision Committee finds that such conditions or hazards are to be removed or that appropriate measures or controls will be applied which will assure adequate protection to the subject property and to surrounding uses and improvements.
- b. Areas proposed for subdivision in (FP-1), (FP-2) and (FP-3) Districts, as defined in Section 7-9-113, FP "Floodplain" District Regulations, shall provide for flood protection meeting the criteria set forth in the said regulations for all building sites. Flood elevation data and engineering studies adequate for such determination shall be provided for all subdivision proposals adjacent to or encroaching into FP Districts as provided in Zoning Code Section 7-9-113.

Sec. 7-9-291. Deviations From Standards of Design.

- a. The Subdivision Committee may approve tentative maps which deviate from the standards of design contained in the following sections:

7-9-267	Lots/parcels
7-9-268	Arterial Highways
7-9-270	Restricted Access to Highways
7-9-271	Street Widths
7-9-274	Curved Local Street and Highway Radii

7-9-276	Local Street and Highway Corner Cutoffs and Corner Radii
7-9-277	Sidewalks and Pedestrianways
7-9-278	Bicycle and Equestrian Trails
7- 9-279	Street Lighting
7-9-280	Underground Utility Lines
7-9-283	Man-Made Slopes
7-9-285	Landscaping and Screening
7-9-289	Fire Protection

- b. The deviations from the standards of design contained in sections listed in Subsection (a) shall be identified by a note on the face of the tentative map, and the subdivider shall submit evidence of justification for each deviation.
- c. Special circumstances which may be cited to justify a deviation from the standards of design listed in Subsection (a) include, but are not limited to, the character of the community, alternative means of pedestrian circulation, environmental considerations, physical constraints, existing nearby uses and a limited amount of ultimate traffic.
- d. The Subdivision Committee shall take specific action on each requested deviation. Deviations not specifically approved shall be considered to be disapproved.

Sec. 7-9-292. Floodplain.

Areas proposed for subdivision in floodplains, as defined by Zoning Code Section 7-9-113, shall comply with the following:

- a. All subdivision proposals shall be consistent with Zoning Code Section 7-9-113.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage, with their structural supports designed to withstand hydrodynamic loading.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other development proposed within the floodplain.

Sec. 7-9-293, 7-9-294. Reserved.

SUBARTICLE 7. DEDICATION

Sec. 7-9-295. Required Dedication for Public Use or Benefit.

The Subdivision Committee may require the dedication to the public, to the County of Orange or to such other public agency as may be appropriate (of) all real property (or interest therein) both on or off site required for public use or benefit, including, but not limited to, the following:

- a. Local streets, arterial highways, and transportation corridors,
- b. Alleys,
- c. Trails, paths, and pedestrian ways,
- d. Flood-control facilities,
- e. Parks,
- f. Easements for landscaping maintenance,
- g. Public utility easements,
- h. Public transit facilities,
- i. Other public easements,
- j. Accessways to the ocean shoreline, bay shoreline, lakes, reservoirs, rivers, or streams as provided in Sections 7-9-286, 7-9-287, and 7-9-288.

Sec. 7-9-296. Transfer of Ownership Required for Private Use or Benefit.

The Subdivision Committee may require that the items listed in Section 7-9-295 be deeded for private use or benefit to a homeowners association or other responsible body.

Sec. 7-9-297. Vehicular Access Rights and Abutters' Rights to Arterial Highways and Local Streets.

Whenever specified by the Subdivision Committee, offers of dedication of arterial highways shall include the release and relinquishment of vehicular access rights to and from such arterial highways from any property shown within a final tract or parcel map abutting thereon. When the local agency finds that there is a particular circulation problem on a local street, release and relinquishment of access rights to and from said street may be required.

Sec. 7-9-298. School Sites.

The subdivider submitting a tentative tract map may be required to dedicate land for the school facilities necessary to assure the residents of the subdivision adequate public school service in accordance with the requirements and procedures set forth in the Subdivision Map Act. Whenever the Subdivision Committee imposes such a dedication requirement, it may concurrently approve an alternate tentative map, to be effective in the event the school district affected does not offer to enter into a binding commitment within thirty (30) days to accept the dedication. A dedication pursuant to

this section shall only be required at the request of a school district made within twenty (20) working days of the notice given pursuant to Section 7-9-248.

Sec. 7-9-299. Method of Dedication.

Dedications and offers of dedication shall be made by a certificate on the final tract or parcel map. Separate instruments may be used with the approval of the Director, when permitted by law and when the subdivider intends to dedicate or offer for dedication real property prior to the approval of a final tract or parcel map.

Sec. 7-9-300. Exceptions.

Dedications required by Section 7-9-295 shall not be required for any remainder parcel that is sufficient as to size and shape to be further divided in compliance with applicable zoning regulations provided the Subdivision Committee determines that such dedications and improvements are not necessary immediately for public use or benefit and that the property owner will not be excused from a requirement to dedicate and install necessary improvements at a later date.

Sec. 7-9-301. Reserved.

SUBARTICLE 8. IMPROVEMENTS, MONUMENTATION AND SECURITY

Sec. 7-9-302. Improvements Required.

- a. The Subdivider shall grade and improve or agree to grade and improve all land shown on the final tract or parcel map for those dedications listed in Section 7-9-295 in compliance with the requirements of the approved tentative map in such a manner and with such improvements as are necessary for the general use of the lot or parcel owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract or parcel map.
- b. The subdivider may be required to improve or agree to improve those dedications which are necessary or convenient to ensure conformity to or implementation of the General Plan.

Sec. 7-9-303. Subdivisions of Four or Less Parcels.

- a. Required improvements shall be noticed by a certificate on the final parcel map or the instrument evidencing waiver of the parcel map. Except as otherwise specified in Section 7-9-303(c), the certificate shall include a requirement for fulfillment of such improvements prior to issuance of any building permit or other grant of approval for development of the parcel, or for installation of the improvements at such earlier time as provided in the agreement.
- b. The agreement required by Section 7-9-306 shall be entered into prior to the County Surveyor's approval of the parcel map for recordation, or prior to granting a waiver of the parcel map. Except as otherwise specified in Section 7-9-303(c), the agreement shall provide for installation of the improvements prior to the granting of any building permit or other grant of approval for development of the parcel, or for the installation of the improvements at such earlier time as provided in the agreement.
- c. The requirements for installation of the improvements prior to issuance of building permits may be omitted from a parcel map when such a requirement is not a condition of approval of the parcel map or waiver of parcel map.

Sec. 7-9-304. Standards.

Improvements shall be designed and constructed in accordance with the standards of design contained in Subarticle 6 of this article, the Standard Plans, and any other applicable standards adopted by the Orange County Board of Supervisors.

Sec. 7-9-305. Improvement Plans.

All improvement plans of improvements to be installed within or supplemental to the final tract or parcel map must be approved by the appropriate agency prior to approval of the final tract or parcel map.

Sec. 7-9-306 Agreements in Lieu of Improvements.

If any improvements are not completed satisfactorily or any monuments not set before the final tract or parcel map is approved, the subdivider shall enter into an agreement with the County whereby, in consideration of the approval by the County of the final tract or parcel map, the subdivider agrees to

perform and to furnish the equipment and material necessary to complete the required work within the time specified in the agreement. Such agreement shall be accompanied by security as provided in Section 7-9-306 (Improvement Security) and 7-9-310 (Monumentation).

Sec. 7-9-307. Plan Checking, Engineering and Inspection Fees.

Subdividers submitting detailed plans and specifications for approval required by Section 7-9-305 shall pay plan checking, engineering, and inspection fees as established by resolution of the Board of Supervisors.

Sec. 7-9-308. Improvement Security

Security in the form specified by Subdivision Map Act shall be furnished with every improvement agreement. The amount of the security shall be as follows:

- a. If bonds are furnished by one of the authorized corporate sureties:
 - (1) A performance bond in the amount of one hundred (100) percent of the estimated cost of the improvement.
 - (2) A labor and material bond in the amount of one hundred (100) percent of the estimated cost of the improvement.
- b. If money, instrument of credit or negotiable bonds are furnished, one hundred (100) percent of the estimated cost of the improvement. Said money, instrument of credit or negotiable bonds shall apply to both faithful performance and payment to the contractor, subcontractors, laborers, materialmen and other persons employed in the performance of the agreement.

Sec. 7-9-309. Release of Security

The Director, Public Facilities and Resources Department, is authorized to release security in accordance with the provisions of the Subdivision Map Act.

Sec. 7-9-310. Monumentation.

- a. Monuments shall be set for each tract and parcel map in accordance with the provisions of the Subdivision Map Act and in accordance with the rules and procedures approved by the County Surveyor.
- b. The agreement referred to in Section 7-9-306 shall be accompanied by security in the sum not less than the cost of setting such monuments.

Sec. 7-9-311. Extension of Time.

The Director, Public Facilities and Resources Department, is authorized to grant an extension of time to the agreement as specified in Section 7-9-306, if in his opinion a delay in the completion of the improvements is justified and the delay will not cause substantial inconvenience to the general public.

Sec. 7-9-312, 7-9-313. Reserved.

SUBARTICLE 9. FEES IN LIEU OF DEDICATION OR IMPROVEMENT

Sec. 7-9-314. Local Park Fees.

Local park fees shall be paid as required by the Local Park Code.

Sec. 7-9-315. Drainage Fees.

- a. The Board of Supervisors may, from time to time after a public hearing and written notice to the owners of property therein, adopt master plans of drainage for various areas of the County. Such plans shall contain an estimate of the total costs of constructing the local drainage facilities required by the plan and a map of the area showing its boundaries and the location of the planned facilities.
- b. Upon filing of a final tract or parcel map and as a condition of approval of said final tract or parcel map, a drainage fee shall be paid to the Director for deposit in a local drainage facilities fund in the amount set forth in the legislative action adopting and establishing a Master Plan of Drainage, if any, within which any portions of the subdivision may lie. Such charges and fees collected as a condition of subdivision approval shall hereinafter be referred to as drainage fees. In the event local drainage facilities are being constructed by the subdivider in conjunction with the subdivider's improvements, an agreement to construct said local drainage facilities may be accepted in lieu of part or all payment of drainage fees.
- c. The funds derived from the drainage fees shall be used for purposes of defraying the cost of designing and constructing planned local drainage facilities for the removal of surface and storm waters from the local drainage area described in such Master Plan of Drainage.
- d. The Board of Supervisors, in adopting a Master Plan of Drainage, shall find and determine that the subdivision and development of property will require construction of the facilities described in said Master Plan and that the drainage fees are fairly apportioned within the local drainage area, both on the basis of benefits conferred on property proposed for subdivision and on the need for local drainage facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.
- e. The fee as to any property proposed for subdivision within an area covered by a Master Plan of Drainage shall not exceed the pro rata share of the amount of the total estimated cost of all facilities within such area would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.
- f. Drainage fees required by this section shall be paid into a local drainage facilities fund. A separate fund shall be established within each local drainage area. Moneys in such funds shall be expended for engineering and administrative services to obtain construction; engineering and administrative services to obtain design of local drainage facilities by a duly registered civil engineer of those local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected.
- g. At the discretion of the Board of Supervisors, rights-of-way dedication, actual construction and design by a duly registered civil engineer, and payment of plan check, engineering and inspection fees for the improvement of local drainage facilities described in a duly adopted Master Plan of Drainage may be accepted in lieu of the payment of drainage fees.

- h. Moneys may be advanced by the County from its General Fund or other sources to pay the cost of local drainage facilities within a local drainage area having a duly adopted Master Plan of Drainage, and subsequently such moneys advanced may be reimbursed from the local drainage facilities fund for the local drainage area in which the drainage facilities described in the Master Plan were constructed.
- i. When required for the implementation of a duly adopted Master Plan of Drainage (so) as to provide adequate drainage for a subdivision, an agreement may be entered into between the subdivider and County whereby the subdivider may advance funds for local drainage facilities within a local drainage area, provided that the sole security for payment of funds or other consideration advanced shall be moneys subsequently accruing to a local drainage facilities fund for said local drainage area in which the facilities are constructed. Reimbursement shall be for the amount advanced only and shall not include interest or other charges.
- j. After completion of the facilities and the payment of all claims from any planned local drainage facilities fund, the Board of Supervisors shall determine by resolution the amount of surplus, if any, remaining in any of such funds. Any such surplus shall be used, in such amounts as the Board may determine, for one or more of the following purposes:
 - (1) For transfer to the General Fund of the County, provided that the amount of such transfer shall not exceed five (5) percent of the total amount expended from the particular fund;
 - (2) For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or
 - (3) As a refund in the manner provided in Subsection (k) below.
- k. Any surplus remaining in a planned local drainage facilities fund shall be refunded as follows:
 - (1) There shall be refunded to the current owners of property for which a fee was previously collected the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area.
 - (2) Where property for which a fee was previously collected has subsequently been divided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.
 - (3) There shall be transferred to the General Fund of the County any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two (2) years from the date either of the completion of the improvements or the adoption by the Board of a resolution declaring a surplus, whichever is later to occur.

Sec. 7-9-316. Major Thoroughfare and Bridge Fees.

- a. A subdivider, as a condition of approval of a tentative map, or a building permit applicant, as a condition of issuance of a building permit, shall pay a fee as hereinafter established to defray the costs of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.
- b. Definitions.
 - (1) The term "construction" as used in this section includes preliminary studies, design, acquisition of right of way, administration of construction contracts, and actual construction.
 - (2) The term "major thoroughfare" means those roads designated as transportation corridors and major, primary, secondary, or commuter highways on the Master Plan of Arterial Highways, the circulation element of the General Plan. The primary purpose of such roads is to carry through traffic and provide a network connecting to the State highway system.
 - (3) "Bridge facilities" mean those locations identified in the transportation or flood control provisions of the circulation element or other element of the General Plan as requiring a bridge to span a waterway, a railway, freeway, or canyon.
 - (4) "Area of benefit" means a specified area wherein it has been determined that the real property located therein will benefit from the construction of a major thoroughfare or bridge project.
- c. The provisions herein for payment of a fee shall apply only if the major thoroughfare or bridge facility has been included in an element of the General Plan adopted by the Board of Supervisors at least thirty (30) days prior to the filing of a map or application for a building permit and on land located within the boundaries of the area of benefit.
- d. Payment of fees shall not be required unless any major thoroughfares are in addition to, or a widening or reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.
- e. Payment of fees shall not be required unless any planned bridge facility in a new bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.
- f. Action to establish an area of benefit may be initiated by the Board of Supervisors upon its own motion or upon the recommendation of the Director, Public Facilities and Resources Department. The proposal will be forwarded to the Planning Commission for its review and recommendations at a regular, adjourned or special meeting. The Planning Commission's comments and recommendations and the Director, Public Facilities and Resources Department report, shall be transmitted to the Board of Supervisors. The Board of Supervisors will set a public hearing for each proposed area benefited. Notice of the time and place of said hearing including preliminary information related to the boundaries of the area of benefit, estimated costs and the method of fee apportionment shall be given in the following manner:
 - (1) If there are one hundred (100) or fewer property owners within the proposed area of benefit, notice shall be given at least ten (10) calendar days before the hearing by

first-class mail addressed to each property owner within the boundary of the proposed area of benefit.

- (2) If there are more than one hundred (100) property owners within the proposed area of benefit, notice shall be given at least ten (10) calendar days before the hearing by the following:
 - A. Notice published at least once in a newspaper of general circulation within the proposed area of benefit.
 - B. Notices posted throughout the proposed area of benefit with at least three (3) notices posted at arterial highway intersections within the proposed area of benefit.
 - C. Notices sent by first-class mail to all Municipal Advisory Committees and known Homeowners Associations within the proposed area of benefit.
 - D. Notice by first-class mail to any person who has filed a written request therefor with the Director, Public Facilities and Resources Department. Such request shall apply for the calendar year in which it is filed.
- g.
 - (1) At the public hearing the Board of Supervisors will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing, the Board of Supervisors may, unless a majority written protest is filed and not withdrawn as specified in section g(3), determine to establish an area of benefit. If established, the Board of Supervisors shall adopt a resolution describing the boundaries of the area of benefit, setting forth the cost, whether actual or estimated, and the method of fee apportionment. A certified copy of such resolution shall be recorded with the County Recorder of Orange County,
 - (2) Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the Board of Supervisors shall make provisions for payment of the share of improvement cost apportioned to such lands from other sources.
 - (3) Written protest will be received by the Clerk of the Board of Supervisors at any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefited, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of said written protests, commence or carry on any proceedings for the same improvement under the provisions of this section. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the close of the public hearing.
 - (4) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors shall not be barred from commencing new proceedings not including any

part of the improvement so protested against. Such proceedings shall be commenced by a new notice and public hearing as set forth in subsection (f) above.

- (5) Nothing in this section shall prohibit the Board of Supervisors, within such one-year period, from commencing and carrying on new proceedings for the construction of an improvement or portion of improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such improvement or portion thereof.
- h. Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the area of benefit is one in which more than one bridge or major thoroughfare is required to be constructed, a separate fund may be established covering all of the bridge projects or major thoroughfares in the area of benefit. If the area of benefit encompasses one or more bridges and one or more thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all bridges and thoroughfares, a single fund may be established to account for fees paid. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the County of Orange for the costs of constructing the improvement.
- i. The Board of Supervisors may approve the acceptance of considerations in lieu of the payment of fees established herein.
- j. The Board of Supervisors may approve the advancement of money from the General Fund or Road Fund to pay the costs of constructing the improvements covered herein and may reimburse the General Fund or Road Fund for such advances from planned bridge facility or major thoroughfare funds established pursuant to this section.
- k. If the subdivider, as a condition of approval of the subdivision, is required or desires to construct a bridge or major thoroughfare, the Board of Supervisors may enter into a reimbursement agreement with the subdivider. Such agreement may provide for payments to the subdivider from the bridge facility or major thoroughfare fund covering that specific project to reimburse the subdivider for costs not allocated to the subdivider's property in the resolution establishing the area of benefit. If the bridge or major thoroughfare fund covers more than one project, reimbursements shall be made on a pro-rata basis reflecting the actual or estimated costs of the projects covered by the fund.

Secs. 7-9-317-7-9-319. Reserved.

SUBARTICLE 10. TAXES AND ASSESSMENTS

Sec. 7-9-320. Certificate from Tax Collector-Treasurer.

Prior to the filing of a final tract map with the Board of Supervisors, the subdivider shall cause to be issued and filed by and with the Treasurer-Tax Collector a certificate stating that, according to the records of such office, there are no liens against the subdivision or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. As to taxes or special assignments collected as taxes which are a lien but not yet payable, the subdivider shall cause to be issued and filed with the Treasurer-Tax Collector a certificate giving his estimate of the amount of taxes and special assessments collected as taxes which are a lien but not yet payable.

Sec. 7-9-321. Security.

Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Treasurer-Tax Collector security conditioned upon the payment of all State, County, Municipal and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. The Treasurer-Tax Collector is authorized to approve the security for payment of taxes required by this section.

Sec. 7-9-322. Apportionment.

The apportionment of security and delinquencies shall be handled in accordance with the provisions of the Subdivision Map Act.

Sec. 7-9-323. Release.

The Treasurer-Tax Collector is authorized to release security required by this article when the secured taxes and assessments have been paid.

Sec. 7-9-324. Reserved.

SUBARTICLE 11. FINAL PARCEL MAP REQUIREMENTS AND PROCEDURES

Sec. 7-9-325. Content and Form.

The content and form of parcel maps shall be governed by the provisions of the Subdivision Map Act and the Subdivision Manual.

Sec. 7-9-326. Final Parcel Map Required.

- a. When a subdivision is proposed to be created through the tentative parcel map process, a final parcel map shall be filed for record with the County Recorder. No proposed subdivision shall be complete until such parcel map has been filed for record, unless a waiver has been approved.
- b. A final parcel map, within commercial or industrial zoned areas, identifying lease lines or lines for tax purposes may be filed for record with the County Recorder without being required to comply with the tentative parcel map requirements of this article. Each parcel on such map shall be identified by letter and shall not be considered to be a separate building site. No transfers of fee title may be made in connection with such map. Identification shall be shown on the face of such map as to its purpose that it does not create building sites and that it does not permit transfer of fee title interest.

Sec. 7-9-327. Signatures Required.

- a. When dedications or offers of dedications, either limited or irrevocable, are made on the final parcel map, all parties having any record title interest in the real property being subdivided, including parties to which an irrevocable offer of dedication has been made over the property, or any portion thereof, shall consent to the preparation and recordation of the final parcel map by signing the required certificate. Such signatures shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements or other interests which cannot ripen into a fee, provided that:
 - (1) The Subdivision Committee determines that division and development of the property in the manner set forth on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
 - (2) The map contains a statement that the Subdivision Committee has determined that the division and development of the property in the manner set forth on the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and
 - (3) The public entity or utility has been given the opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.
- b. When dedications or offers of dedications are not being made, no owners or subdividers' signatures shall be required on the parcel map.

Sec. 7-9-328. Method of Approval.

- a. Final parcel map. The final parcel map shall be submitted to the County Surveyor, who shall examine the map within twenty (20) days of receipt thereof. If the County Surveyor is satisfied that the map is technically correct and conforms with the approved tentative parcel map and any conditions imposed thereon, he shall execute the certificate required by the Subdivision Map Act. Such certification by the County Surveyor shall constitute approval of the final parcel map.
- b. Agreements, security, and dedications. Whenever, as a condition of an approved tentative parcel map, agreements and/or security are required for installation of certain improvements and/or dedications and offers of dedication are made by a statement on the map, said agreements, security, and/or dedications may be approved/accepted by the Director prior to recordation of the final parcel map.

Sec. 7-9-329. Filing with the County Recorder.

The County Surveyor shall transmit the approved final parcel map to the County Recorder for recordation, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-330. Ties to Horizontal Control/Digital Map Submission

- a. The County Surveyor will provide coordinated positions in the vicinity of each new parcel map by tying the section, quarter section, rancho, or other appropriate land net corners or road centerlines, on an approximate 1/2 mile grid convenient for proper coordinate tie-in of such map boundaries, to the existing monuments of, and, where possible, intervisible with the local control network, and by calculating and adjusting coordinates for these corners using the California Coordinate System based on the North American Datum of 1983, 1990 Adjustment or current adjustment as directed by the County Surveyor.
- b. All data pertaining to these control monuments will be filed in accordance with the requirements of the Professional Land Surveyors Act and these records shall be indexed and made readily available to the general public.
- c. The County shall require the surveyor or engineer to show on the Parcel Map those ties made by the surveyor or engineer to such control monuments in accordance with Division 8, Chapter 1, Section 8813 of the Public Resources Code; and that coordinates published by the County for these control monuments be shown on the map.
- d. The surveyor or engineer shall be permitted to show on any Record of Survey submitted for filing, the information prescribed above, when the normal course of survey activities include ties made to points for which coordinates have been provided or accepted into the control network by the County, and when such information may be shown pursuant to the requirements of the California Public Resources Code.
- e. The County shall require the surveyor or engineer preparing the Parcel Map to tie the boundary of said map into the California Coordinate System (NAD 83) in at least two locations, preferably on opposite sides of the boundary or as mutually agreed to by the surveyor or engineer and the County Surveyor.

- f. The Basis of Bearings of the Parcel Map shall be the California Coordinate System (NAD 83), 1990 Adjustment or current adjustment as directed by the County Surveyor as established by the use of existing monuments, Global Positioning System Surveys (GPS), or by astronomic observation.
- g. In the event that the County Surveyor is unable to provide the surveyor or engineer with coordinated monuments, as described in item (1) above, within 30 days of a written and County approved request filed by the surveyor or engineer relating to any maps which is or will be processed by the County Surveyor, the foregoing requirements would be waived. However, none of the above will preclude a person, authorized to practice Land Surveying within the State of California, from performing the necessary work to meet the requirements of this section.
- h. The County Surveyor shall require the surveyor or engineer preparing a Parcel Map to submit to the County, in addition to the material currently being submitted for map checking and recordation purposes, a digital graphics file containing the boundary, street centerline, right-of-way and lot/parcel line data necessary to facilitate transferring of the file into the County mapping system if the surveyor or engineer has the capability to provide such files. If the surveyor or engineer does not have this capability, the County will create such a graphics file for entry into its system and recover the cost through the map check process.
- i. If the boundary of the Parcel Map being submitted is a parcel or lot of a map already tied to the California Coordinate System, NAD 83, 1990 Adjustment or current adjustment as directed by the County Surveyor, the requirements in Paragraph e (above) shall be waived.
- j. In the event the surveyor or engineer submitting a parcel map to the County feels that compliance with the requirements stated in Paragraphs c, e, f, and h (above) will create a hardship on him or her or the client, he or she may appeal to the County Surveyor to waive them. If the County Surveyor refuses this appeal, the surveyor or engineer may further appeal this decision to a committee of members of the private sector recognized by Director, Public Facilities and Resources Department, as representative of the professional surveying community. Such a committee may be, but not limited to, the California Land Surveyors Association-California Council of Civil Engineers and Land Surveyors Joint Professional Practice Committee. The decision of this committee shall be final and binding on both parties.

SUBARTICLE 12. FINAL TRACT MAP REQUIREMENTS AND PROCEDURES

Sec. 7-9-331. Content and Form.

The content and form of final tract maps shall be governed by the provisions of the Subdivision Map Act and as interpreted by the Subdivision Manual.

Sec. 7-9-332. Final Tract Map Required.

When a subdivision is proposed to be created through the tentative tract map process, a final tract map shall be filed for record with the County Recorder. No proposed subdivision shall be complete until such tract map has been recorded.

Sec. 7-9-333. Signatures Required.

All parties having any record title interest in the real property being subdivided, including parties to which an irrevocable offer has been made over the property, or any portion thereof, shall consent to the preparation and recordation of the tract map by signing the required certificate. Such signatures shall be properly acknowledged. The certificate need not be signed by public entities and public entities which own rights-of-way, easements or other interests which cannot ripen into a fee, provided that:

- a. Division and development of the property in the manner set forth in the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
- b. The Subdivision Committee has determined that the division and development of the property in the manner set forth on the tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and
- c. The public entity or utility has been given an opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.

Sec. 7-9-334. Method of Approval.

Final tract maps, together with any required improvement agreements and security, shall be submitted to the Director for review and preliminary determination as to:

- a. Compliance with any conditions imposed on the approval of the tentative map; and
- b. Substantial conformance with the approved tentative map and any approved alterations thereof.

In the event the Director determines that the subdivision is not in compliance or substantial conformance, the Director shall, within ten (10) days of the date the final map was submitted, advise the subdivider in writing of his preliminary determination. The subdivider may appeal the Director's determination to the Subdivision Committee or directly to the Board of Supervisors in the event the map was originally approved on appeal to the Board. Any such appeal shall be heard within fifteen (15) days of the filing of such a request with the Director. Upon hearing any such appeal, the Subdivision Committee or the Board shall make an advisory ruling to the County Surveyor. The final

determination as to whether the final tract map is in compliance and substantial conformance shall be made by the County Surveyor.

Within twenty (20) days (or more if requested by the subdivider) after the Director notifies the County Surveyor that all conditions precedent to the approval of the tract map have been satisfied and any required improvement agreements and security are in order, the Surveyor shall examine the map and, if appropriate, shall execute the certificate required by the Subdivision Map Act.

Sec. 7-9-335. Filing with the Board of Supervisors

After the County Surveyor executes his certificate, he shall transmit the tract map to the Clerk of the Board of Supervisors. The Clerk of the Board shall present the map and any required agreements, securities and approvals to the Board of Supervisors for their approval and execution of their certificate by the Clerk.

Sec. 7- 9- 336. Filing with the County Recorder.

The County Surveyor shall transmit the approved final tract map to the County Recorder for recordation, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-337. Ties to Horizontal Control/Digital Map Submission

- a. The County Surveyor will provide coordinated positions in the vicinity of each new tract map by tying the section, quarter section, rancho, or other appropriate land net corners or road centerlines, on an approximate 1/2 mile grid convenient for proper coordinate tie-in of such map boundaries, to the existing monuments of, and, where possible, intervisible with the local control network, and by calculating and adjusting coordinates for these corners using the California Coordinate System based on the North American Datum of 1983, 1990 Adjustment or current adjustment as directed by the County Surveyor.
- b. All data pertaining to these control monuments will be filed in accordance with the requirements of the Land Surveyor's Act and these records shall be indexed and made readily available to the general public.
- c. The County shall require the surveyor or engineer to show on the Final Tract Map, those ties made by the surveyor or engineer to such control monuments in accordance with Division 8, Chapter 1, Section 8813 of the Public Resources Code; and that coordinates published by the County for these control monuments be shown on the map.
- d. The surveyor or engineer shall be permitted to show on any Record of Survey submitted for filing, the information prescribed above, when the normal course of survey activities include ties made to points for which coordinates have been provided or accepted into the control network by the County, and when such information may be shown pursuant to the requirements of the California Public Resources Code.
- e. The County shall require the surveyor or engineer preparing the Tract Map to tie the boundary of said map into the California Coordinate System (NAD 83) in at least two locations, preferably on opposite sides of the boundary or as mutually agreed to by the surveyor or engineer and the County Surveyor.

- f. The Basis of Bearings of the Tract Map shall be the California Coordinate System (NAD 83), 1990 Adjustment or current adjustment as directed by the County Surveyor as established by the use of existing monuments, Global Positioning System Surveys (GPS), or by astronomic observation.
- g. In the event that the County Surveyor is unable to provide the surveyor or engineer with coordinated monuments, as described in item (1) above, within 30 days of a written and County approved request filed by the surveyor or engineer relating to any maps which is or will be processed by the County Surveyor, the foregoing requirements would be waived. However, none of the above will preclude a person, authorized to practice Land Surveying within the State of California, from performing the necessary work to meet the requirements of this section.
- h. The County Surveyor shall require the surveyor or engineer preparing a Tract Map to submit to the County, in addition to the material currently being submitted for map checking and recordation purposes, a digital graphics file containing the boundary, street centerline, right-of-way and lot/parcel line data necessary to facilitate transferring of the file into the County mapping system in an acceptable format as determined by the County Surveyor, if the surveyor or engineer has the capability to provide such files. If the surveyor or engineer does not have this capability, the County will create such a graphics file for entry into its system and recover the cost through the map check process.
- i. If the boundary of the Final Tract Map being submitted is a parcel or lot of a map already tied to the California Coordinate System, NAD 83, 1990 Adjustment or current adjustment as directed by the County Surveyor, the requirements in Paragraph e (above) shall be waived.
- j. In the event the surveyor or engineer submitting a final tract map to the County feels that compliance with the requirements stated in Paragraphs c, e, f, and h (above) will create a hardship on him or her or the client, he or she may appeal to the County Surveyor to waive them. If the County Surveyor refuses this appeal, the surveyor or engineer may further appeal this decision to a committee of members of the private sector recognized by Director, Public Facilities and Resources Department as representative of the professional surveying community. Such a committee may be, but not limited to, the California Land Surveyors Association-California Council of Civil Engineers and Land Surveyors Joint Professional Practice Committee. The decision of this committee shall be final and binding on both parties.

SUBARTICLE 13. WAIVERS AND EXCEPTIONS

Sec. 7-9-338. Waivers and Exceptions Permitted.

When requested by the subdivider or by a governmental agency, waivers from the requirement for recording a parcel map and exceptions to the tentative map process may be approved by the Subdivision Committee in compliance with the provisions of this subarticle. When any such waiver request is approved, a certificate of compliance may be recorded in lieu of a parcel map. The requirement for recording a parcel map shall not be waived when the County Surveyor finds that a survey and/or monumentation is necessary.

Sec. 7-9-339. Types of Subdivisions Eligible.

Only the following types of subdivisions are eligible to receive a waiver from the requirement for recording a parcel map:

- a. Subdivisions containing four (4) or less parcels each of which is a minimum of five (5) acres in area and is proposed for further subdivision.
- b. Subdivisions wherein each parcel will have a gross area of twenty (20) acres or more and a right of vehicular access for a continuous width of not less than forty (40) feet to a maintained public street or highway having a right-of-way width of not less than forty (40) feet;
- c. Subdivisions wherein each parcel will have a gross area of not less than forty (40) acres.

Sec. 7-9-340. Waiver Procedure.

A waiver from the requirement for recording a parcel map may be approved in compliance with the following procedure:

- a. A tentative map, accurately describing the existing legally created parcel and each proposed parcel, shall be submitted. Such tentative map shall be processed in compliance with the tentative map procedure except that it need not be prepared by a licensed land surveyor or civil engineer and need include only such information that the Director and the Subdivision Committee find to be necessary in order to make the required determinations.
- b. A waiver request shall accompany the tentative map. The exception to the tentative map requirements specified in Subsection (a) is permitted only when a tentative map proposes one of the subdivisions specified by Section 7-9-339 and when such map is accompanied by a waiver request.
- c. Prior to any action by the Subdivision Committee to approve a waiver, the Director shall examine the map and shall identify each proposed parcel as a building site or a nonbuilding site.
- d. Prior to any action to approve a waiver, the Subdivision Committee shall find that the subdivision:

- (1) Will comply with County requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability [and] environmental protection;
- (2) will satisfy any other requirements pertaining to the subdivision of land as specified in the Subdivision Map Act, this code and any other applicable County ordinance; and
- (3) will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.

Sec. 7-9-341. Waiver Does Not Establish Parcels

The approval of a waiver of the requirement to record a parcel map does not create a subdivision or satisfy the requirements applicable to the division of a parcel of land. Any parcels shown on a tentative map for which a parcel map has been waived shall not be considered to be legally established until a certificate of compliance for such parcels has been recorded in the office of the County Recorder.

Sec. 7-9-342. Time to Record a Certificate of Compliance.

A waiver of the requirement to record a parcel map is valid only for such time as the subject tentative map is valid, and a waiver approval shall expire concurrently with the expiration of the tentative map approval. After a waiver has been approved and within the period of validity of a tentative map, and when the Director has determined that all conditions and requirements of the tentative map have been satisfied, he shall cause a certificate of compliance to be recorded in compliance with the provisions of Subarticle 15 of this article. In the event any required conditions have not been satisfied, a conditional certificate of compliance may be recorded within the specified time period. Such conditional certificate of compliance shall contain a notice of the conditions that are required to be satisfied prior to the recordation of a certificate of compliance.

Sec. 7-9-343. Waiver for New Condominium Project.

The requirements of the Subdivision Code are automatically waived when a new condominium project is created or established on an existing building site. This waiver is not applicable to an existing development project which is converted to a condominium project.

SUBARTICLE 14. REVERSION S TO ACREAGE

Sec. 7-9-344. Reversion Authorized.

Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act, this subarticle and the Subdivision Manual.

Sec. 7-9-345. Content and Form of Petitions for Reversion to Acreage.

Petitions shall conform with such requirements as to form and content as may be specified in the Subdivision Manual and shall include a final tract map. If the land to be reverted consists of four (4) or less contiguous parcels under the same ownership, a parcel map may be submitted in lieu of the tract map. No reversion shall be complete until such map has been recorded with the County Recorder.

Sec. 7-9-346. Subdivision Committee Review.

Petitions for reversion to acreage shall be reviewed by the Subdivision Committee. They shall make recommendations thereon to the Director within thirty (30) days of the date the petition was filed with the Director. Thereafter, the Director shall transmit the petition and the Subdivision Committee's recommendations through the Planning Commission to the Clerk of the Board of Supervisors, who shall set the matter for public hearing before the Board. The Clerk shall publish a notice of the time and place of said hearing in accordance with the provisions of the Subdivision Map Act and give written notice of the hearing of the petitioners.

Sec. 7-9-347. Board Hearing.

At the conclusion of the public hearing, the Board of Supervisors may make such findings, including those set forth in the Subdivision Map Act, as the Board deems appropriate. If the Board intends to approve the reversion to acreage, it shall impose the conditions required by the Subdivision Map Act.

If the proposed final or parcel map has been approved by the County Surveyor, the Board may approve the reversion and authorize transmitting the map to the County Recorder for recordation. The Board may disapprove the proposed reversion or may continue the matter until the final tract map or parcel map has been approved by the County Surveyor. Thereafter the Board may approve the reversion and authorize transmitting the map to the County Recorder for recordation. The County Surveyor shall then transmit the approved final tract or parcel map to the County Recorder for recordation, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-348. Reserved.

SUBARTICLE 15. CERTIFICATE OF COMPLIANCE

Sec. 7-9-349. Reserved.

Sec. 7-9-350. Reserved.

Sec. 7-9-351. Approval.

Certificates of compliance shall be approved by the Director.

Sec. 7-9-352. Procedure.

Requests for a certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures set forth in the Subdivision Manual. No certificate of compliance or conditional certificate of compliance shall be valid until it has been recorded in the office of the Orange County Recorder.

Sec. 7-9-353. Reserved.

Sec. 7-9-354. Reserved.

SUBARTICLE 16. LOT LINE ADJUSTMENT S

Sec. 7-9-355. Criteria

- a. Person(s) owning two (2) or more adjacent parcels who propose to adjust the boundaries of said parcels in a manner so that the land taken from one parcel is added to an adjacent parcel and a greater number of parcels than originally existed is not thereby created may apply for a lot line adjustment.
- b. The application for lot line adjustment shall be prepared by a person authorized to practice land surveying pursuant to the Professional Land Surveyors Act.

Sec. 7-9-356. Application, Review, and Recordation

- a. Applications for a lot line adjustment and the review and recordation thereof shall conform with such requirements as to form, contents, and process as may be specified by the Director in Subarticle 16 of the Subdivision Manual.
- b. Applications for lot line adjustments shall be reviewed by the Director or designee, for compliance with the Subdivision Manual. The Director may place conditions on the lot line adjustment at this time if deemed necessary.
- c. After the lot line adjustment proposal is approved by the Director for compliance with the Subdivision Manual, and all the parcels or lots involved are owned by a single individual or entity, the owner shall prepare deeds to convey the newly adjusted parcels or lot to said owner or entity. The legal descriptions shown on these deeds shall agree with the lots or parcels shown on the lot line adjustment proposal. The County Surveyor shall review the lot line adjustment and deeds and upon his approval, submit them to the County Recorder for recordation. Deeds recorded pursuant to this paragraph shall be exempt from the requirements of Government Code Section 27584 (Monument Preservation Fund).
- d. After the lot line adjustment proposal is approved by the Director for compliance with the Subdivision Manual, and the parcels or lots involved are owned by different individuals or entities, these owners shall prepare deeds to convey the appropriate portions of the adjusted lots or parcels to each other. The County Surveyor shall review the lot line adjustment and deeds, and upon his approval, submit them to the County Recorder for recordation.

Sec. 7-9-357. Reserved.

SUBARTICLE 17. NOTICES OF VIOLATION

Sec. 7-9-358. Tentative Notices of Violation.

Whenever the Director has information indicating that real property has been divided in violation of the Subdivision Map Act or the Subdivision Code, he shall file for record with the County Recorder a tentative notice of violation describing the real property in detail, naming the owners thereof, describing the violation, and stating that an opportunity will be given to the owner to present evidence on the issue whether the property has been divided in violation of the Subdivision Map Act or the Subdivision Code.

Sec. 7-9-359. Receipt of Evidence.

Upon recordation of a tentative notice of violation, the Director shall bring the matter before the Subdivision Committee, which shall schedule a meeting at which evidence as to why a final notice of violation should not be recorded may be presented. The owner of the land in question shall be given at least thirty (30) days written notice of said meeting, unless the owner requests an earlier determination.

Sec. 7-9-360. Subdivision Committee Determination.

- a. If the Subdivision Committee determines that there has been no violation, the Director shall file for record a release of the tentative notice of violation with the County Recorder.
- b. If the Subdivision Committee determines that there has been a violation, or if whether sixty (60) days of receipt of such copy, the owner of such real property fails to inform the Director of his objection to recording the notice of violation, the Director shall file a final notice of violation with the County Recorder.

Sec. 7-9-361. Release by Certificate of Compliance.

A notice of violation may be released by a certificate of compliance pursuant to Subarticle 15 of this article.

Section 7-9-362 - 7-9-399. Reserved.